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9 UNITED STATES DISTRICT COURT

10 DISTRICT OF NEVADA

11 THE UNITED STATES OF AMERICA,

12 Plaintiff,

13 vs.

14 ROBERT BUCKHANNON, et al.,

15 Defendants.
16

CASE NO. 2:14-CR-315-JCM-VCF

**STIPULATION AND ORDER TO
CONTINUE ROBERT BUCKHANNON'S
SENTENCING**

17 **IT IS HEREBY STIPULATED AND AGREED** by and between Steven W. Myhre,
18 Acting United States Attorney, Kathryn C. Newman, Esq., Assistant United States Attorney;
19 Michael V. Cristalli, Esq., Vincent Savarese III, Esq., and Lauren E. Paglini, Esq., of the law
20 firm of Gentile Cristalli Miller Armeni Savarese, attorneys for Defendant, Robert Buckhannon
21 (hereinafter "Mr. Buckhannon"), that the sentencing currently scheduled for the 31st day of
22 October, 2017, at the hour of 10:00 a.m., in Courtroom 6A of the United States District Court,
23 District of Nevada, be vacated and continued to a date and time convenient to this Honorable
24 Court.

25 This Stipulation is entered into for the following reasons:

26 1. Counsel for Mr. Buckhannon did not receive the Revised Presentence
27 Investigation Report until late in the day on Monday, October 23, 2017.

28 2. Pursuant to Local Rule 32, Mr. Buckhannon's Objections to the Revised

1 Presentence Investigation Report and the Sentencing Memorandum are both currently due on
2 Tuesday, October 24, 2017.

3 3. Counsel for Mr. Buckhannon have not had sufficient time to research, prepare and
4 file the appropriate Objections to the Revised Presentence Investigation Report and Sentencing
5 Memorandum on Mr. Buckhannon's behalf.

6 4. Mr. Buckhannon is out of custody. Mr. Buckhannon has no objection to the
7 continuance sought. Assistant United States Attorney, Kathryn Newman, Esq. has no objection
8 to this continuance of the sentence.

9 5. The additional time requested herein is not sought for purposes of delay and the
10 denial of this request for a continuance could result in a miscarriage of justice.

11 6. For all the above-stated reasons, the ends of justice would be best served by the
12 continuance of the deadlines of Mr. Buckhannon's sentencing.

13 7. That this is the first request for a continuance of Mr. Buckhannon's sentencing
14 hearing.

15 Dated this 24th day of October, 2017.

Dated this 24th day of October, 2017.

16 STEVEN W. MYHRE
17 ACTING UNITED STATES ATTORNEY

GENTILE CRISTALLI
MILLER ARMENI SAVARESE

18 By: /S/ KATHRYN C. NEWMAN
19 KATHRYN C. NEWMAN
20 Assistant United States Attorney
21 Attorneys for Plaintiff,
22 UNITED STATES OF AMERICA

By: /S/ MICHAEL V. CRISTALLI
MICHAEL V. CRISTALLI
Nevada Bar No. 6266
VINCENT SAVARESE
Nevada Bar No. 2467
LAUREN E. PAGLINI
Nevada Bar No. 14254
Attorneys for Defendant,
Robert Buckhannon

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2
3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA
5

6 THE UNITED STATES OF AMERICA,

CASE NO. 2:14-CR-315-JCM-VCF

7 Plaintiff,

8 vs.

9 ROBERT BUCKHANNON, et al.,

10 Defendants.
11

12 **FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER**

13 Based upon the pending Stipulation of counsel, and good cause appearing therefore, the
14 Court hereby finds that:

15 1. That Counsel for Mr. Buckhannon did not receive the Revised Presentence
16 Investigation Report until late in the day on Monday, October 23, 2017.

17 2. Mr. Buckhannon's Objections to the Revised Presentence Investigation Report
18 and the Sentencing Memorandum are both currently due on Tuesday, October 24, 2017.

19 3. Counsel for Mr. Buckhannon have not had sufficient time to research, prepare,
20 and file the appropriate Objections to the Revised Presentence Investigation Report and
21 Sentencing Memorandum on Mr. Buckhannon's behalf.

22 4. Mr. Buckhannon is out of custody. Mr. Buckhannon has no objection to the
23 continuance sought. Assistant United States Attorney Kathryn Newman, Esq. has no objection
24 to this continuance of the sentence.

25 5. The additional time requested herein is not sought for purposes of delay and the
26 denial of this request for a continuance could result in a miscarriage of justice.

27 6. For all the above-stated reasons, the ends of justice would be best served by the
28 continuance of Mr. Buckhannon's sentencing.

1 8. That this is the first request for a continuance of Mr. Buckhannon's sentencing
2 hearing.

3 **CONCLUSIONS OF LAW**


4 Based on the fact that counsel has agreed to a continuance, the Court hereby concludes
5 that:

6 1. The ends of justice are served by granting said continuance and outweigh the best
7 interest of the public since the failure to grant said continuance would be likely to result in a
8 miscarriage of justice, as it would deny the parties herein sufficient time, and the opportunity,
9 within which to effectively and thoroughly prepare and file appropriate Objections to the
10 Revised Presentence Investigation Report and Sentencing Memorandum on Mr. Buckhannon's
11 behalf taking into account the exercise of due diligence.

12 **ORDER**

13 **IT IS HEREBY ORDERED** that the sentencing in the above-captioned matter currently
14 scheduled for October 31, 2017, at the hour of 10:00 a.m., in Courtroom 6A of the United States
15 District Court, District of Nevada, is hereby vacated and continued to and continued the
16 **13th day of November, 2017 at 10:30 a.m., in Courtroom 6A.**

17 DATED October 25, 2017.

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21 JUDGE JAMES C. MAHAN
22 UNITED STATES DISTRICT COURT
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